

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ROBERT W. ELLIOTT,

Plaintiff

Case No. 2:19-cv-00383-GMN-BNW

ORDER

v.

BRIAN WILLIAMS, et al.,

Defendants

I. DISCUSSION

On December 12, 2019, the Court screened Plaintiff's complaint, allowed his claims to proceed, and the stayed this action so that the parties could participate in the Inmate Early Mediation Program. (ECF No. 7.) A mediation conference was initially scheduled for March 20, 2020, but because of public health concerns, the mediation conference was postponed. (ECF Nos. 10, 13.)

On April 9, 2020, Plaintiff filed a motion requesting that the Court set a new date for a mediation conference. (ECF No. 14.) On July 24, 2020, the Court scheduled a mediation conference for October 2, 2020. (ECF No. 16.) On July 27, 2020, the Court received another motion from Plaintiff, again requesting that the Court set a date for a mediation conference or, in the alternative, transfer this action to the Northern District of Nevada. (ECF No. 17.) It appears that Plaintiff's only reason for requesting a transfer to the Northern District of Nevada was the delay in resetting the mediation conference, and his belief that the case could proceed more quickly to mediation in the Northern District of Nevada. (*Id.* at 3.) Although Plaintiff's motion was filed after the Court rescheduled the mediation conference, Plaintiff dated the motion July 22, 2020, before the Court rescheduled the mediation conference, indicating that he had not received notice of the mediation conference prior to filing his motion. (*Id.* at 4.) The Office of the Attorney General also filed a motion requesting more time to respond to Plaintiff's motion. (ECF No. 18.)

1 Because the Court already ordered the relief that Plaintiff wanted, the Court denies
2 Plaintiff's motions (ECF Nos. 14, 17) as moot. The Court also denies the Office of the
3 Attorney General's motion for an extension to respond to Plaintiff's motion (ECF No. 18)
4 as moot. If Plaintiff believes this case should still be transferred to the Northern District
5 of Nevada after the mediation conference has been held and the Court has lifted the stay
6 in this case, he may file a motion for transfer of venue at that time.

7 Finally, Plaintiff has filed a letter noting that he sent his mediation packet out in
8 March 2020. (ECF No. 19.) Plaintiff is wondering whether he needs to send out a new
9 mediation packet now that a different mediator has been assigned for the newly
10 scheduled mediation. (*Id.*) Plaintiff's previous mediation packet has been forwarded to
11 the new mediator.

12 **II. CONCLUSION**

13 For the foregoing reasons, IT IS ORDERED that Plaintiff's motions for this case to
14 be scheduled for a mediation conference, (ECF Nos. 14, 17) are denied as moot.

15 IT IS FURTHER ORDERED that the Office of the Attorney General's motion for an
16 extension (ECF No. 18) is denied as moot.

17 DATED THIS 13th day of August 2020.

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20 UNITED STATES MAGISTRATE JUDGE